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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 February 1994]

Situation of human rights in Zaire

1. The International Federation of Human Rights (FIDH) and its affiliated organization, the Ligue Zairoise des Droits de l'Homme (LZDH), note with concern that there has been a sharp divergence in Zaire from respect for human rights. Insecurity is virtually institutionalized in the country. Daily reports appear in the press of killings, theft, rape, brutality against civilians and looting of premises by men in uniform.

2. Especially serious is the increase in arbitrary executions. These occur particularly in the context of confrontations between the country's various ethnic groups. Since early 1993, these clashes have resulted in the death of over 1,000 persons in the provinces of Kivu and Shaba and have led to the mass exodus of over 1 million men, women and children, who are living in conditions

of utter deprivation. Entire villages have been burnt, thousands of homes destroyed and vast herds of livestock decimated. According to a number of accounts, soldiers have joined in with their fellow believers, according to the tribe they belong to, and directed attacks against enemy villages, in both camps. It should be noted that, in Kivu, the arrival of troops of the Special Presidential Division (DSP), sent by the Birindwa Government to pacify the region, reduced the level of hostilities considerably. Nevertheless, the presence of those troops has added to the growing destitution suffered by the population because of racketeering perpetrated against it by the military. In Shaba, people of Kasaï origin are being subjected to a veritable "ethnic cleansing" programme, for which the province's public authorities are directly responsible. The provincial Governor, Mr. Kyungu, uses public radio and television to broadcast messages of incitement to tribal hatred. This programme is being conducted in appalling ways. Promiscuity in transit camps and the lack of health equipment, foodstuffs and medicine have resulted in an extremely high mortality rate among the displaced populations (in May 1993, 10 children died per day on average in the Likasi camp alone). The conditions in which people are being transferred to their provinces of origin are inhuman. Refugees are crammed into wagons like cattle and even piled on the tops of them. The dozens of deaths in each convoy are to be deplored. Moreover, no reception facilities have been arranged by the Government for refugees. Some local and foreign organizations (Médecins Sans Frontières, OXFAM, ICRC and so on) have been showing remarkable dedication in trying to make up for these further shortcomings on the part of the Zairian Government authorities.

3. A number of arbitrary executions are directly attributable to members of the Zairian armed forces. The indiscipline of uniformed personnel, which is tolerated at the highest Government level, has led them to acts of killing, banditry and destruction of the country's economic and social infrastructure. In Kinshasa, garrison troops, objecting that their January 1993 pay was in "demonetized" 5 million Zaire notes, set about looting and killing throughout the capital from 28 January to 2 February. At the time of the abortive meeting of the Union for Democracy and Social Progress (UDPS) on 4 July 1993, the army killed four members of that party and wounded dozens of others by gunshots. On Monday, 20 September 1993, Mr. Mbayi Kalombo, the security adviser to the Prime Minister Etienne Tshisekedi, received a bullet wound in the right knee and stab wounds in the left side of his head and his right hand when attacked by four armed and hooded men, one of whom was in military uniform. At Kananga (Kasaï occidental), troops of the Birindwa Government resorted to looting in November 1993 to enforce the new banknote. These strong-arm tactics resulted in the deaths of several persons, including clerics.

4. The number of disappeared persons in Zaire is extremely hard to determine because there are no registration books in detention centres. The lack of this type of document is a flagrant contravention of rule 7 of the Standard Minimum Rules for the Treatment of Prisoners. Conditions of detention in Zaire are utterly alarming in general: torture and ill-treatment appear to be common practice; detainees are usually deprived of food and medical care.

5. Arbitrary detention is a widely practised method of intimidation. The presidential cells in Tshatshi camp in Kinshasa, for example, are still holding the survivors of the group of soldiers unwillingly implicated in a bogus plot called the "Voice of Zaire coup d'état", which took place in January 1992. Those involved are privates second class Kandolo, Mulumba, Kanyinda and Mateso, corporals Lihuya, Mangili and Edumba and private first class Monga. The Government is still refusing to hear their appeal. Under the Birindwa Government, the political police arrested a number of persons in early April for offences of opinion. They included political figures, journalists and trade unionists. They were all released on remand in July and September 1993. In addition, Mr. Ferdinand Chimanuka, the provincial chairman of the Social Christian Democrat Party (PDSC), abducted at about 5 p.m. on 23 October 1993 by men in uniform at Bukavu (South Kivu province), was placed in a civil guard jail. Transferred to Kinshasa the day after his arrest, he is now being held in the central prison of Malaka without having been brought before a judge. The authorities accuse him of having called upon the people of South Kivu to oppose the currency reform initiated by the Birindwa Government.

6. Freedom of association and opinion is still curbed in Zaire. When Mr. Mobutu and his supporters hold people's assemblies throughout the territory, provincial governors and military chiefs deny opposition political parties the right to organize public meetings. In addition, access to the official media (radio and television) is still banned to all political parties which do not support President Mobutu. The independent press, in Kinshasa as well as in the interior, is subjected to numerous attacks. Journalists have been detained in political police cells and at the central prison of Malaka without regard for legal procedure. Examples are Mr. Kenge Mukengeshayi, arrested on 24 April 1993, Mr. Kandolo Mulumba, arrested on 28 April 1993, and Mr. Kibel Bel Oka Nicaise, Mr. Kabuya Dikateta and Mr. Kalala Mbenga, arrested on 21 September 1993. On 4 August 1993, the daily Le Palmarès was suppressed. On 26 October 1993, the Minister of Communications of the Birindwa Government issued a ministerial order banning the appearance, for three months, of the daily Umoja and its supplement La Renaissance. In addition, free circulation of newspapers whose publication has not been officially banned is regularly hampered. In Shaba, for example, the governor, Mr. Kyungu, banned the circulation of newspapers published in Kinshasa. On several occasions, soldiers of the DSP and the Military Action and Intelligence Service (SARM) tried to drive out the capital's small news-vendors; they confiscated and tore up publications which offended the Government.

7. With regard to the situation of economic, social and cultural rights, the conditions of the population are worsening dramatically. Lacking any management mechanism, the currency reform initiated by the Birindwa Government is plunging the country into a price-rise spiral never before experienced. The price of all ordinary consumer goods goes up 10 or 20 times from one day to the next. At the same time, a threat of imprisonment issued by Mr. Birindwa hangs like the sword of Damocles over anyone who would dare to criticize or oppose his reform. There is no coherent policy on food, housing and health. Malnutrition is leading to a rising death rate in Zaire, made worse by the cruel shortage of primary health care. The lack of drinking water almost everywhere throughout the interior, and even in certain parts of the capital, makes living conditions increasingly precarious and is causing

cholera and dysentery outbreaks. AIDS, onchocerciasis and, above all, malaria continue to spread. The vast majority of Zairians are jobless. Of 40 million inhabitants, 15 million of whom are of working age, fewer than 5 million have regular work or receive pay at fixed times. Nor do Zairians have any social insurance cover, since the official body for that purpose, the National Social Security Institute, is bankrupt.

8. The right to education is seriously violated. Thousands of children have been unable to attend school this year because they cannot pay school fees. The latter are set in foreign currency in private schools, and this means that many parents, who are unemployed, are unable to meet such expenses. The backlog in teachers' pay (over eight months of arrears) completely disrupted the progress of the 1992-1993 school year.

9. In view of this situation, which in itself shows the extent of the human rights violations suffered by the Zairian people, but also contains the seeds of a much steeper deterioration, particularly as a result of inter-ethnic clashes, FIDH and LZDH appeal to the Commission on Human Rights to step up, as a matter of urgency, the monitoring of the situation of human rights in Zaire by appointing a special rapporteur, under agenda item 12.